

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 23-33, 45 and 46 are in the case.

I. ELECTION

The election of Group I, claims 23-33, is affirmed. Claims 34-44 have been canceled without prejudice to pursuing the subject matter of those claims in a separate divisional application.

II. THE FORMAL REJECTION

Claim 25 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite in view of the term “preferably”. In response, the preferred feature has been canceled and is presented as new dependent claim 45. No new matter is entered. Withdrawal of the formal rejection is respectfully requested.

III. THE ANTICIPATION REJECTION

Claims 23-33 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Keim *et al.* (US 20030203004) (Keim). The rejection is respectfully traversed.

As claimed, there is provided an oral pharmaceutical or dietary composition comprising, as active ingredients, at least one short-chain fatty acid or salt, ester and/or amide thereof, in combination with a complex sugar and/or dietary fibre in which the complex sugar and/or dietary fibre is selected from inulin, pectin, dextrin, maltodextrin or derivatives thereof and with one or more pharmacologically acceptable excipients. The

composition comprises (a) a matrix consisting of lipophilic compounds with a melting point lower than 90°C and optionally amphiphilic compounds in which the active ingredient are at least partially incorporated, (b) an amphiphilic matrix; and (c) an outer hydrophilic matrix in which the lipophilic matrix and the amphiphilic matrix are dispersed.

The compositions as claimed are capable of producing a specific controlled release of the active ingredients in the intestinal region, particularly ensuring optimal and uniform distribution of the active ingredients along the entire mucous membrane of the colonic section (specification - paragraphs [0020]-[0024]). This technical effect is primarily due to the multi-matrix structure of the composition which the active ingredients are dispersed in a successive and progressive mixture of three different, interconnected matrices (specification - paragraph [0021]). In order to further emphasize this feature, claim 23 has been amended to recite the multi-matrix structure. The structure is as described in European patent 1183014 cited in the specification at paragraph [0021] (page 6, lines 14-20) and incorporated by reference into the specification. A copy of the '014 European patent is submitted herewith with an Information Disclosure Statement together with the requisite IDS fee. Entry and consideration of the IDS are respectfully requested. Specific support for the language presented in amended claim 23 and new claim 45 appears in the '014 European patent at column 3, paragraph [0018]. No new matter is entered.

Keim contains no disclosure (or suggestion) of the compositions and the matrix structure as now claimed. Withdrawal of the anticipation rejection over Keim is respectfully requested.

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Favorable action is awaited.

Respectfully submitted,

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